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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

In re L.C., a Person Coming Under the Juvenile Court Law.	B289619
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. L.V. and Charles C., Defendants and Appellants.	Los Angeles County Super. Ct. No. CK72862C

APPEALS from orders of the Superior Court of Los Angeles County, Nancy Ramirez, Judge. Affirmed with directions.

Terence M. Chucas, under appointment by the Court of Appeal, Defendant and Appellant L.V.

Cristina Gabrielidis, under appointment by the Court of Appeal, for Defendant and Appellant Charles C.

Mary C. Wickham, County Counsel, Kristine P. Miles,
Assistant County Counsel, and Stephanie Jo Reagan, Deputy
County Counsel, for Plaintiff and Respondent.

INTRODUCTION

L.V. (mother) and Charles C. (father) appeal from the juvenile court's disposition orders declaring their daughter, L.C. (born in 2017), a dependent of the court, removing her from father's custody, and placing her with mother. Father argues insufficient evidence supports the court's jurisdiction findings that his use of a belt to inappropriately discipline L.C.'s half-sister placed L.C. at risk of serious physical harm under Welfare and Institutions Code¹ section 300, subdivisions (a), (b), and (j). Father also argues insufficient evidence supports the court's disposition order removing L.C. from his custody. Mother, who is a non-offending parent under L.C.'s petition, argues the court erred in requiring her to participate in parenting classes and to submit to random drug tests. Mother also contends the court abused its discretion when it did not terminate dependency jurisdiction and award her sole legal and physical custody of L.C. at the child's disposition hearing. We affirm with directions for the court to strike from mother's case plan the requirement that she submit to random on-demand drug testing.

¹ All undesignated statutory references are to the Welfare and Institutions Code.

FACTUAL AND PROCEDURAL BACKGROUND

1. The Referral

In January 2017, the Department of Children and Family Services (Department) received a referral alleging that L.C. was not safe in father's and mother's custody because father had hit L.C.'s half-sibling, M.C. (born in 2010), with a belt; he kept a gun in mother's home where the children could access it; and he was a registered sex offender. The referral also alleged that mother regularly used marijuana.

The Department interviewed the family after receiving the referral. Father and L.C. lived with mother, mother's two minor sons, and mother's adult daughter. M.C. split time living with her mother, Sara V., and father.

Mother reported that she regularly uses marijuana to "self medicate[]" pain she experiences from "hernia incisional appendicitis" and a torn rotator cuff she suffered in a 2015 car accident. Mother usually smokes every other night outside the home, away from the children. She stores her marijuana inside her truck, where her children cannot access it. Mother admitted that she smoked marijuana while she was pregnant with L.C. and that she has continued to smoke marijuana while she breastfeeds the child. Mother told the Department she was willing to submit to a drug test because she only used marijuana.²

² Mother submitted to one drug test, which occurred on January 19, 2017. She tested positive for marijuana but no other drugs. The record does not indicate that mother submitted to any additional drug tests, and, in late August 2017, the Department reported that mother was no longer drug testing because "her lawyer told her not to drug test as marijuana is legal, she forgets to call and she is busy."

Father described himself as a “strict dad” who protects his children, but he denied that he had ever hit M.C. with a belt. Instead, father claimed, he would discipline M.C. by making her write sentences, by placing her on timeout, or by scolding her. Father reported that he was “convicted” of a sex offense when he was 13 years old and, as a result, was required to register as a sex offender.

2. L.C.’s Dependency Petition and Detention Hearing

On March 9, 2017, the Department filed a dependency petition on L.C.’s behalf. As later amended and sustained by the court, the petition alleged:

A-1, B-1, and J-1: “The child[’s] father ... inappropriately disciplined the child’s sibling, [M.C.], by striking the sibling’s buttocks with a belt. Such inappropriate discipline was excessive and caused the sibling unreasonable pain and suffering. The inappropriate discipline of the sibling by the father endangers the child’s physical health and safety and places the child at risk of serious physical harm and damage.”³

At L.C.’s detention hearing, the court found the Department alleged a prima facie case under section 300, subdivisions (a), (b), and (j). The court detained L.C. from father’s custody and released her to mother’s custody. The court ordered the Department to provide father monitored visits with the child.

³ The petition also included four other allegations: one based on father’s alleged substance abuse (§ 300, subd. (b) (B-3 allegation)); two based on father’s criminal history and status as a registered sex offender (§ 300, subds. (b) & (d) (B-4 and D-1 allegations)); and one based on mother’s marijuana use (§ 300, subd. (b) (B-2 allegation)). The court dismissed those four allegations at the jurisdiction hearing.

3. Father's Use of Physical Discipline on M.C.

The Department interviewed the family a second time in late March and early April 2017. M.C. reported that father spansks her using a belt and his hands. Father would make M.C. pull down her pants (but not her underwear) and bend over so that he could spank her buttocks "very hard." M.C. had seen a "big mark" spanning from the top to the bottom of her buttocks after father struck her with a belt. M.C. demonstrated for the social worker how father spansks her by striking a belt against a couch.

Father often "whoop[ed]" M.C. in front of mother and her children, but mother would "ignore[] it." Father would hit M.C. if she "push[ed] somebody" or if she was "doing bad stuff like bugging [mother] when [M.C. was] bored and [didn't] know what to do." M.C. told the Department that she had once "peed in [her] pants because [father] kept on hitting [her] really really hard ..."

Sara told one of the Department's social workers that father had admitted to her that he once struck M.C. Sara described an incident when father became upset and hit M.C. after he saw her show one of mother's sons the elastic band of her underwear. Sara could not recall how father said he struck M.C., but she claimed it was the first time father had ever done anything like that. When Sara saw M.C. about 24 hours after the incident, the child did not have any visible marks or bruises on her body. M.C.'s foster mother also reported that father had admitted to her that he had used a belt to spank M.C.

Father continued to deny that he had ever hit M.C. He claimed Sara was coaching M.C. to falsify allegations against him so Sara could obtain sole custody of the child. Father maintained

that he would only send M.C. to her room or make her stand for several minutes when he punished her. Because father had been “whooped” as a kid, he believed M.C. would have visible marks on her body if he had hit her with a belt. Mother denied ever seeing father hit M.C. She claimed father only disciplined M.C. by making the child go to her room for a timeout.

In May 2017, a forensic nurse interviewed M.C. M.C.’s account of father’s conduct during her interview with the nurse was consistent with the accounts she had provided the Department.

M.C. told the nurse that father either “whoops” her with a belt or makes her go to her room when she gets in trouble. Father sometimes makes M.C. pull down her pants so he can “whoop” her buttocks over her underwear. Father uses the end of the belt with holes in it, and he often leaves a big red mark or line on M.C.’s buttocks, when he hits her. M.C. was not sure whether father had ever caused the skin on her buttocks to bruise. M.C. told the nurse she would cry after father hit her.

M.C. described the most recent incident when father hit her with a belt. Father overheard M.C. tell one of mother’s sons that her underwear had ripped. Father became angry that M.C. was talking to a boy about her underwear, so he whooped her “really hard” and caused her to urinate in her pants.

4. The Jurisdiction and Disposition Hearings

On September 5, 2017, the court conducted a contested jurisdiction hearing. Father and mother testified. Father denied ever striking M.C. with a belt, and mother claimed she never saw father “whoop” or otherwise hit M.C. When asked about the incident when M.C. told mother’s son about her underwear, father admitted that he was angry with M.C., but he claimed he

only made her take a timeout. Mother, who was in a different room at the time, did not hear anything that sounded like spanking come from the room where father was disciplining M.C. According to father, M.C. peed her pants while she was standing in the corner of the room on timeout.

The court sustained the A-1, B-1, and J-1 allegations, finding father's use of inappropriate physical discipline on M.C. placed L.C. at risk of physical harm. The court found M.C. was credible in all of her accounts of how father had struck her with a belt because the child had consistently described father's conduct throughout the Department's investigation. The court continued the matter for a disposition hearing.

Prior to the disposition hearing, father submitted a letter from the Salvation Army Bell Shelter stating that he had completed eight non-violent parenting sessions and eight individual counseling sessions. Father's classes focused on, among other things, understanding how to parent without using violence, understanding anger and self-regulation, and understanding child and brain development.

On April 17, 2018, the court conducted L.C.'s disposition hearing. The court declared L.C. a dependent of the court and ordered her removed from father's custody and placed with mother. The court awarded father monitored visits with L.C. and ordered the Department to provide him and mother family maintenance services. Specifically, the court ordered father and mother to submit to random on-demand drug testing every other week, and, in the event they test positive for any drug other than marijuana, to participate in a full drug treatment program. The

court also ordered mother and father to participate in parenting classes.⁴

Mother and father timely appealed from the court's disposition orders.⁵

DISCUSSION

1. Substantial Evidence Supports the Court's Jurisdiction Findings Against Father.

Father contends insufficient evidence supports the court's findings that his use of a belt to strike L.C.'s half-sibling, M.C., placed L.C. at risk of serious harm to warrant establishing jurisdiction over the child under section 300, subdivisions (a), (b), and (j). Specifically, father argues that because his use of physical discipline did not harm or endanger M.C., his conduct necessarily could not have placed L.C. at risk of harm. Alternatively, father contends that even if his use of a belt to discipline M.C. placed that child at risk of harm, there is no evidence establishing such conduct also endangered L.C. We disagree.

⁴ Although mother objected to the court requiring her to submit to random on-demand drug testing, she did not object to the court requiring her to participate in parenting classes. In fact, at the disposition hearing, mother's counsel "submitt[ed] on" the Department's recommendation that mother participate in parenting classes.

⁵ Father also appealed from the disposition orders issued in M.C.'s dependency case, which involved jurisdiction allegations based in part on facts similar to those at issue in this case—i.e., father's use of a belt to discipline M.C. We decided father's appeal in *In re M.C.* (Feb. 28, 2019, B289672) [nonpub. opn.]).

We review jurisdiction findings for substantial evidence. (*In re D.C.* (2015) 243 Cal.App.4th 41, 55.) We will affirm the findings if they are supported by evidence that is reasonable, credible, and of solid value. (*In re R.V.* (2012) 208 Cal.App.4th 837, 843.) “We do not evaluate the credibility of witnesses, attempt to resolve conflicts in the evidence or determine the weight of the evidence. Instead, we draw all reasonable inferences in support of the findings, view the record favorably to the juvenile court’s order and affirm the order even if there is other evidence supporting a contrary finding. [Citations.] The appellant has the burden of showing there is no evidence of a sufficiently substantial nature to support the findings or order. [Citation.]” (*Ibid.*)

At the jurisdiction stage of a dependency proceeding, the Department must prove by a preponderance of the evidence that the child is a dependent of the court as described by section 300. (*In re Yolanda L.* (2017) 7 Cal.App.5th 987, 992 (*Yolanda L.*)). A juvenile court may exercise dependency jurisdiction over a child under section 300, subdivision (a), if “[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally ... by the child’s parent.” A court may also exercise jurisdiction over a child under section 300, subdivision (b)(1), if “[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent ... to adequately supervise or protect the child”

In addition, a court may exercise jurisdiction over a child under section 300, subdivision (j), where the child’s sibling has been “abused or neglected” as defined under one of the other subdivisions of section 300, if there is “a substantial risk that the

child will be abused or neglected, as defined in those subdivisions.” In determining whether jurisdiction is appropriate under subdivision (j), the court “shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.” (§ 300, subd. (j).)

“The juvenile court need not wait until a child is seriously injured to assume jurisdiction if there is evidence that the child is at risk of future harm from the parent’s negligent conduct. [Citation.]” (*Yolanda L.*, *supra*, 7 Cal.App.5th at p. 993.) In determining whether the parent’s negligent or harmful conduct is likely to recur in the future, courts may consider evidence of the parent’s past conduct. (*In re N.M.* (2011) 197 Cal.App.4th 159, 165.) Likewise, a parent’s denial of wrongdoing or failure to recognize the negative impact of his conduct may support a court’s determination of risk under section 300. “ ‘[D]enial is a factor often relevant to determining whether persons are likely to modify their behavior in the future without court supervision.’ ” (*In re A.F.* (2016) 3 Cal.App.5th 283, 293 (*A.F.*).) “One cannot correct a problem one fails to acknowledge.” (*In re Gabriel K.* (2012) 203 Cal.App.4th 188, 197.)

As a preliminary matter, we conclude substantial evidence supports the court’s finding that father’s use of a belt to discipline M.C. constitutes abuse or neglect sufficient to establish jurisdiction over M.C. under section 300, subdivisions (a) and (b). (See § 300, subd. (j).) When disciplining a child, a parent is not absolutely prohibited from using physical forms of punishment. For example, a parent may administer “reasonable and age-

appropriate spanking to the buttocks if there is no evidence of serious physical injury.” (§ 300, subd. (a).) But, as the statute suggests, a parent’s right to physically discipline his or her child is not without limits. “Whether a parent’s use of discipline on a particular occasion falls within (or instead exceeds) the scope of [the] parental right to discipline turns on three considerations: (1) whether the parent’s conduct is genuinely disciplinary; (2) whether the punishment is ‘necess[ary]’ (that is, whether the discipline was ‘warranted by the circumstances’); and (3) ‘whether the amount of punishment was reasonable or excessive.’” (*In re D.M.* (2015) 242 Cal.App.4th 634, 641 (*D.M.*).

Here, even if we were to assume father’s use of a belt to strike M.C. was “genuinely disciplinary,” ample evidence supports a finding that father’s conduct was not always warranted by M.C.’s behavior. For example, M.C. reported that father would strike her buttocks with a belt when she engaged in innocuous behavior, such as when she “bugged” mother because she was bored. Father also used excessive force when he would strike M.C. with a belt. M.C. reported that father would strike her buttocks “very” hard, sometimes with only her underwear covering her skin. On at least one occasion, father struck M.C. “really really hard” multiple times and with such force that he caused her to urinate in her pants. M.C. also reported that it felt like her skin was “burn[ing],” and she would often cry, after father struck her buttocks with a belt. Although it is unclear whether father ever caused M.C.’s skin to bruise, his “whoop[ings]” would often leave large red marks on M.C.’s buttocks that would last at least several hours.

This case is distinguishable from *D.M.*, on which father relies to argue his use of a belt to discipline M.C. was

appropriate. In *D.M.*, the mother spanked her child on “rare” occasions using her bare hand or a sandal. (*D.M.*, *supra*, 242 Cal.App.4th at pp. 637–638.) The mother’s spankings never left a mark on the child, and the child reported that the spankings did not hurt very much. (*Ibid.*) In this case, on the other hand, father “whooped” M.C. with a belt on multiple occasions. M.C. told the Department that on at least one occasion, father “kept on” hitting her “really really hard” with a belt. Father hit M.C. so hard that he left large red marks on her buttocks, caused her to urinate in her pants, and made her skin feel like it was “burn[ing].”

Father’s reliance on *Gonzalez v. Santa Clara Dept. of Social Services* (2014) 223 Cal.App.4th 72 (*Gonzalez*) is also misplaced. First, *Gonzalez* did not involve a dependency proceeding and, as a result, did not address what type of physical discipline is appropriate under section 300. Rather, *Gonzalez* addressed whether a mother had been properly reported to the Child Abuse Central Index under the Child Abuse and Neglect Reporting Act because she had spanked her child with a wooden spoon and produced visible bruises. (*Gonzalez*, at p. 75.) Second, the mother in *Gonzalez* admitted she had struck her child’s buttocks with a wooden spoon, and she described in detail why she believed it was necessary to strike her child using a wooden spoon because “less stringent” forms of discipline were ineffective in regulating her child’s behavior. (*Id.* at pp. 76–77.)

Unlike the mother in *Gonzalez*, father refused to accept responsibility for his conduct throughout the Department’s investigation. Specifically, leading up to and throughout M.C.’s jurisdiction hearing, father repeatedly denied to the Department’s social workers and the court that he had ever hit M.C., despite M.C.’s repeated and consistent accounts of father’s

conduct as well as evidence that father had admitted to Sara and M.C.'s foster mother that he had hit M.C. (See *A.F.*, *supra*, 3 Cal.App.5th at p. 293 [a parent's denial of wrongdoing is relevant to the court's determination of risk].)

There also was substantial evidence that father's use of inappropriate physical discipline on M.C. placed L.C. at risk of serious physical harm. First, L.C. was at risk of being exposed to father's violence, since M.C. reported that at least some of the incidents when father struck her with a belt occurred at mother's home, where L.C. lived. Second, L.C. is several years younger than M.C. and more vulnerable to, and likely to be seriously injured by, father's use of inappropriate physical discipline. And finally, father's refusal to accept responsibility for his use of inappropriate physical discipline on M.C. throughout the children's dependency proceedings also supports the court's finding that father's conduct endangered L.C. Specifically, the court reasonably could have found that father likely would have used similar disciplinary techniques on L.C., since he refused to acknowledge that he had engaged in any wrongful conduct when he disciplined M.C.

In sum, substantial evidence supports the court's findings that father's use of inappropriate physical discipline on M.C. also placed L.C. at risk of serious physical harm.

2. Substantial evidence supports the court's order removing L.C. from father's custody.

Father next contends the court erred when it removed L.C. from his custody at the disposition hearing. Specifically, he argues there is insufficient evidence that the child would face a substantial danger if she were to remain in father's custody. As

we explain, the court properly removed L.C. from father's custody.

After finding a child falls within the court's jurisdiction under section 300, the court must determine at the disposition hearing whether the child should continue to reside with his or her parent or be placed somewhere outside of the parent's custody. (*Yolanda L.*, *supra*, 7 Cal.App.5th at p. 992.) To support a removal order, the Department must prove by clear and convincing evidence that there is: (1) a risk of substantial harm to the child if returned home; and (2) a lack of reasonable means short of removal to protect the child's safety. (*Ibid.*) "The parent need not be dangerous and the minor need not have been actually harmed before removal is appropriate. The focus of the statute is on averting harm to the child." (*In re T.V.* (2013) 217 Cal.App.4th 126, 135–136.) When determining whether removal is appropriate, the court may consider the parent's past conduct and the present circumstances. (*In re Cole C.* (2009) 174 Cal.App.4th 900, 917 (*Cole C.*)) We review disposition orders removing a child from his or her parent's custody for substantial evidence. (*In re D.C.*, *supra*, 243 Cal.App.4th at p. 55.)

Here, the court reasonably found L.C. faced a substantial risk of harm if she were to remain in father's custody. As we discussed above, father has engaged in a pattern of using inappropriate forms of physical discipline to punish L.C.'s half-sibling, and his conduct appears to have escalated over time. For example, M.C. reported that during the most recent incident, father repeatedly hit her with a belt so hard that he caused her to urinate in her pants. Based on father repeatedly trying to conceal his wrongful conduct from the court and the Department, the court reasonably found there was a risk that father could subject

L.C. to the same forms of inappropriate physical discipline should the child continue to remain in father's custody. (See *Cole C.*, *supra*, 174 Cal.App.4th at p. 918 [the father's refusal to acknowledge his inappropriate disciplinary techniques supported a finding that there were no reasonable means to protect the child absent removal from the father's custody].)

3. Mother's Services

Mother contends the court erred in requiring her to participate in parenting classes and to submit to random on-demand drug testing because she was a non-offending parent under L.C.'s petition. While mother has forfeited any challenge to the court's order requiring her to participate in parenting classes, her challenge to the drug-testing requirement has merit.

A juvenile court has broad discretion to fashion disposition orders that will best serve and protect the child's interests. (*In re Briana V.* (2015) 236 Cal.App.4th 297, 311 (*Briana V.*)). Specifically, the court may make "all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child" (§ 362, subd. (a); *Briana V.* at p. 311.) "The problem that the juvenile court seeks to address need not be described in the sustained section 300 petition. [Citation.] In fact, there need not be a jurisdictional finding as to the particular parent upon whom the court imposes a dispositional order." (*Briana V.*, at p. 311.) In determining what type of services would best serve the child's interests, the court "may consider the evidence as a whole." (*Ibid.*) A court's decision to require a parent to participate in court-ordered services "cannot be reversed absent a clear abuse of discretion." (*Ibid.*)

As a preliminary matter, we conclude mother has forfeited any challenge to the court's order requiring her to participate in

parenting classes. As noted above, mother never objected to the Department's recommendation that she participate in parenting classes. Instead, she "submit[ted] on" the Department's recommendation that she participate in such classes. (*In re Daniel B.* (2014) 231 Cal.App.4th 663, 672 [an appellant forfeits a challenge to a ruling " 'if an objection could have been but was not made in the trial court.' "].) Mother, therefore, cannot complain the court erred in requiring her to participate in parenting classes.

In any event, the court did not abuse its discretion when it ordered mother to take parenting classes. Although mother was not found to be an offending parent under L.C.'s petition, there was evidence that mother's conduct contributed to the circumstances leading to L.C. being declared a dependent of the court. For example, M.C. reported that father would sometimes hit her with a belt in front of mother and mother's children, but mother would "ignore" father's conduct. And the court reasonably could have found that mother tried to conceal father's conduct by repeatedly denying to the Department's social workers and the court that she had ever seen father strike M.C. with a belt. Based on mother's refusal to acknowledge father's inappropriate conduct that led to L.C. becoming a minor dependent, the court acted well within its discretion when it ordered mother to participate in parenting classes. (See *Briana V.*, *supra*, 236 Cal.App.4th at p. 311.)

Mother's challenge to the court's order requiring her to submit to random on-demand drug testing does have merit, however. The court ordered mother to submit to random drug testing every other week, and, if she tests positive for any drug other than marijuana, to participate in a full drug treatment

program with aftercare. Based on the nature of the court's case plan, as well as the court's decision to dismiss the Department's allegation based on mother's use of marijuana, the court presumably was concerned that mother's use of illicit drugs (but not marijuana) could inhibit her ability to properly care for L.C. But the record contains no evidence that mother had ever used, let alone abused, any illicit drugs before or after L.C. was born. Although mother admitted that she regularly smoked marijuana to address chronic pain, there is no evidence in the record that her use of marijuana inhibited her ability to care for L.C. or her other children or could lead to her using illicit drugs. Consequently, the court's order requiring mother to submit to tests that would screen for the use of illicit drugs is not supported by the record. We therefore direct the court to strike from mother's case plan the requirement that mother submit to random on-demand drug testing.

4. The court did not abuse its discretion when it continued L.C.'s dependency jurisdiction.

Finally, mother argues the court erred when it decided to continue, rather than terminate, dependency jurisdiction over L.C. at the child's disposition hearing. Mother contends the court should have terminated jurisdiction and awarded her sole legal and physical custody of L.C. because the child did not face any risk of abuse or neglect once the court placed her in mother's custody at the disposition hearing. As we explain, the court properly maintained jurisdiction over L.C.

Once the juvenile court finds a child falls within the court's jurisdiction under section 300, the court must "hear evidence on the question of the proper disposition for the child." (*In re Destiny D.* (2017) 15 Cal.App.5th 197, 205 (*Destiny D.*)) "Typically, once

the child has been adjudged to be a dependent child pursuant to section 360, subdivision (d), the juvenile court determines what services the child and family need to be reunited and free from court supervision.” (*Ibid.*) If the court orders the parents to participate in services, it must hold a review hearing within six months of the disposition hearing, “to evaluate the family’s circumstances and decide whether continued dependency jurisdiction is necessary.” (*Id.* at p. 206; see also §§ 366.21, subd. (e) [review hearing when child is removed from parent’s physical custody]; 364 [review hearing when child is not removed from parent’s physical custody].)

But the court is not required to continue dependency jurisdiction over the child and order the parents to participate in services at the disposition hearing. Instead, the court may decide that continued supervision of the family is unnecessary and terminate dependency jurisdiction. (*Destiny D., supra*, 15 Cal.App.5th at pp. 205–211.) The court should not terminate jurisdiction at the disposition hearing, however, “unless the court concludes services and ongoing supervision are not necessary to protect the child.” (*Id.* at p. 211.) Indeed, it will be the “unusual case” where the protections imposed at disposition “will be sufficient to permit the conclusion that termination is appropriate.” (*Ibid.*) We review a juvenile court’s decision to continue dependency jurisdiction for an abuse of discretion. (*Id.* at p. 213.)

Here, the court correctly decided that maintaining dependency jurisdiction over L.C. would be appropriate even though the court placed the child in the custody of a non-offending parent. As we discussed in the previous section, the court properly ordered mother to participate in parenting classes

to address issues that led to L.C. being declared a dependent of the court. Since the court believed it was necessary to continue supervising the family and to require mother to participate in services designed to protect L.C.'s safety and well-being, it would not have been appropriate for the court to terminate jurisdiction at the disposition hearing and grant mother sole legal and physical custody of the child. (See *Destiny D.*, *supra*, 15 Cal.App.5th at p. 211 [a court should not terminate jurisdiction at the disposition stage unless it determines services and ongoing supervision are unnecessary to protect the child].)

DISPOSITION

We affirm the juvenile court's jurisdiction findings and disposition orders with directions for the court to modify mother's case plan by striking the requirement that she submit to random on-demand drug testing.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

LAVIN, J.

WE CONCUR:

EDMON, P. J.

DHANIDINA, J.